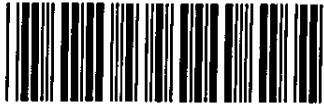


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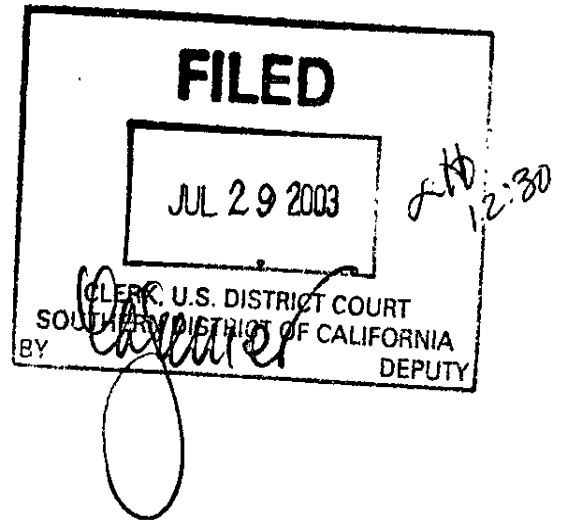


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3:03-CV-01460 PARTNOY V. SHELLEY

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\*JGM.\*



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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
10

11 FRANK PARTNOY, an individual;  
12 LAURA ADAMS, an individual; PETER  
13 STRIS, an individual; JASON WILSON,  
14 an individual; and CALIFORNIA  
INFORMED VOTERS GROUP, an  
unincorporated association,

15 Plaintiffs,

16 vs.

17 KEVIN SHELLEY, in his official capacity  
18 as Secretary of State for the State of  
19 California; SALLY MCPHERSON, in her  
20 official capacity as the Registrar of  
Voters for the County of San Diego; and  
CONNY MCCORMACK, in her official  
capacity as the Registrar-Recorder/  
County Clerk for the County of Los  
Angeles,

21 Defendants.

CASE NO. 03CV1460 BTM (JFS)

FINAL JUDGMENT OF  
DECLARATORY AND INJUNCTIVE  
RELIEF

22 For the reasons set forth in the Order and Memorandum Decision filed herewith, IT  
23 IS HEREBY DECLARED, ORDERED, DECREED, and ADJUDGED as follows:

24 (1) Section 11382 of the California Elections Code violates the rights of Plaintiffs and  
25 those of California voters under the First and Fourteenth Amendments of the United States  
26 Constitution in that it disallows the counting of a vote for a successor to a recalled officer  
27 unless the voter also cast a vote on the question of whether the present officer shall be  
28 recalled.

13 1  
ENTERED ON

7.29.03

03cv1460


1 (2) The provision of Section 11382 of the California Elections Code that disallows the  
2 counting of a vote for a successor to a recalled Governor unless the voter also casts a vote  
3 on the question of whether the present Governor shall be recalled abridges the Plaintiffs' and  
4 California voters' rights under the First and Fourteenth Amendment and is unenforceable  
5 and shall not be enforced in the upcoming recall election on October 7, 2003.

6 (3) The defendant registrars shall count and the Secretary of State shall certify any  
7 vote by Plaintiffs or any other California voter who is otherwise properly registered and  
8 entitled to vote on the election of a successor Governor whether or not such voter voted on  
9 the question of the recall of the Governor.

10 (4) Defendants, as well as any individual, agency, or entity acting on their behalf or  
11 pursuant to their authority, or any other individual, agency or entity with actual notice of this  
12 order, are permanently enjoined from (A) enforcing in any manner and in any recall election  
13 conducted in the State of California the provisions of California Elections Code § 11382, (B)  
14 preparing, approving, or disseminating to any individual, agency or entity any ballots, sample  
15 ballots, voter instruction materials, or other documents that state, in sum or substance, that  
16 a voter must cast a vote on the recall for their vote for any successor candidate to be  
17 counted, or otherwise attempt to persuade or inform voters that their vote on a successor  
18 candidate will not be counted unless they also cast a vote for or against the recall; and (C)  
19 failing to count any ballot or vote based upon any actual or alleged noncompliance with  
20 California Elections Code § 11382.

21  
22 **IT IS SO ORDERED.**

23 Dated: July 29, 2003

  
24 **HONORABLE BARRY TED MOSKOWITZ**  
25 United States District Judge

26 Copies to:  
27 All Parties and Counsel of Record  
28